THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.17368 OF 2007

Dated 14-08-2007

Between:
M/s Sirpur Paper Mills Limited …Petitioner

And

The Assistant Commissioner and two
Others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.17368 OF 2007

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeal before the Tribunal, the application for stay filed by the petitioner was rejected by the Joint Commissioner-the third respondent. We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we set aside the order of the third respondent and direct that 50 per cent of the disputed tax shall be paid by the petitioner, within a period of four weeks from today. For four weeks, there shall be an unconditional stay of recovery and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount already paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No costs.

(Bilal Nazki,J)

Dated 14th August, 2007

(Nooty Ramamohana Rao,J)

Note: Issue wire at party's cost

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